



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, Chair, District 1

P.O. Box 1 - Downieville, CA 95936 - 530-289-3506 - supervisor1@sierracounty.ca.gov

Peter W. Huebner, Vice-Chair, District 2

P.O. Box 349 - Sierra City, CA 96125 - 530-862-1004 - supervisor2@sierracounty.ca.gov

Paul Roen, District 3

P.O. Box 43 - Calpine, CA - 209-479-2770 - supervisor3@sierracounty.ca.gov

Jim Beard, District 4

P.O. Box 1140 - Loyalton, CA 96118 - 530-414-8126 - jbeard@sierracounty.ca.gov

Scott A. Schlefstein, District 5

P.O. Box 192 - Loyalton, CA 96118 - 530-993-4900 - supervisor5@sierracounty.ca.gov

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on March 1, 2016 in the Board of Supervisors' Chambers, Courthouse, Downieville, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Beard

A moment of silence was held in memory of US Forest Service employee Wes Guthrie.

ROLL CALL

Present: Peter W. Huebner, Supervisor, Vice-Chair, District #2
Paul Roen, Supervisor, District #3
Jim Beard, Supervisor, District #4

Absent: Lee Adams, Supervisor, Chair, District #1
Scott A. Schlefstein, Supervisor, District #5

Staff: Heather Foster, County Clerk-Recorder
Christian Curtis, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Brandon Pangman, Assistant Director of Planning
Darden Bynum, Director of Health and Human Services
Laura Marshall, Assessor/IS Manager

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APPROVAL OF CONSENT ITEMS

At the request of the Clerk, Consent Items 13.B. and 13.C. were moved to the Regular Agenda as items 6.B. and 6.C.

- 13.B. Facilities Use Agreement between Sierra-Plumas Joint Unified School District (SPJUSD) and Sierra County Social Services to provide classroom space to administer required GED classes for Welfare to Work participants. (SOCIAL SERVICES)
- 13.C. Resolution approving Amendment to Agreement 2014-123 between the Department of Health Care Services and Sierra County Behavioral Health for Substance Use Disorder (SUD) services for fiscal year 2014-2015 through 2016-2017. (BEHAVIORAL HEALTH)

The Board moved to approve the Consent Agenda as amended.

APPROVED as amended. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

13. CONSENT AGENDA

- 13.A. Approval to reclass previously approved Public Health Educator position. (PUBLIC HEALTH)

APPROVED, Agreement 2016-018

- 13.D. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Russell Turner & Elva Ortiz Turner Revocable Trust, Landowner and Russell Turner, Applicant: Consideration of a Farmland Security Zone Contract on two separate parcels of land identified as APN's 013-070-024; 012-014-055; 012-140-060, and 012-140-057. The project site is located on State Highways 49 & 89 surrounding the community of Sattley. (PLANNING)

APPROVED, Agreement 2016-018

- 13.E. Approval of Road Department purchase of a salvage vehicle in the amount of \$400 from a private party for a Ford truck to be used as a source of parts, or to be evaluated as an option for repair and utilization. (PUBLIC WORKS)
- 13.F. Resolution declaring the week of April 3 - April 9, 2016, "Safety Seat Checkup Week" in Sierra County. (CLERK OF THE BOARD)

ADOPTED, Resolution 2016-018

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- 13.G. Resolution declaring the month of March American Red Cross month in Sierra County. (CLERK OF THE BOARD)

ADOPTED, Resolution 2016-019

- 13.H. Minutes from the regular meeting held on January 5, 2016. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

At the request of the Clerk, Item 11.D. was pulled from the agenda due to an error in the drafting of the ordinance.

- 11.D. Introduction and first reading of an Ordinance amending Sections 8.01.030; 8.01.040; and 8.01.080 of the Sierra County Code; repealing Section 8.01.250 of the Sierra County Code; and adding Chapter 8.02 pertaining to administrative penalties for public nuisances created by cultivation of medical marijuana in violation of Chapter 8.01 of the Sierra County Code.

By consensus, the Board directed County Counsel to prepare and publish a summary of the ordinance.

APPROVED as amended. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:05 a.m. Vice-Chair Huebner opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Roen reported on the Sierra Valley Groundwater meeting held yesterday which was attended by DWR and their hydrologist specialist, noting they spent most of day discussing the GSA (groundwater sustainability agency) formation for the Sierra Valley and it appears the rest of County is going to be exempt from the need.

Supervisor Beard reported the Yuba Pass Chili Cook-off will be held next Saturday.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The IS Manager reported on the increase of the County bandwidth with AT&T, noting the contracts have finally been signed and it should be installed and active within 3 weeks.

The Director of Health and Human Services requested convening the Health & Social Services Standing Committee to address volunteers and interns for the

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department. The Director also reported on the dissemination of the Department's vision, mission and values summary and the request to change from the position of Public Health Educator to Outreach Coordinator which will be a cost savings to the department.

Following brief discussion, and by consensus the Board referred the Director's issue regarding volunteers and interns to the Personnel Standing Committee.

5. FOREST SERVICE UPDATE

Yuba River District Ranger Karen Hayden provided an update regarding the loss of an employee, Wes Guthrie and a meeting held with the Director of Planning, Supervisor Huebner, Supervisor Adams, Bryan Davey and Brandon Pangman to catch up on a number issues. Ranger Hayden also reported that the Packer Lake Fish Day is coming up soon.

6. HEALTH & HUMAN SERVICES - Darden Bynum

- 6.A. Amendment to Agreement 2015-098 for professional services between Mary Lowe, MFT and the County of Sierra.

The Auditor expressed concerns with this contract as it is starting to look more like an employee as we are providing the office space, computer record system, secretarial system, and providing their medical malpractice insurance. The Auditor noted this will be a serious problem if we are audited. He understands the need for the service and the issue of getting employees to provide these services, however we need to rework these contracts.

Discussion ensued regarding referring this to committee and reworking the contract so the contractor is paying the medical malpractice insurance and rent.

Following discussion, the Board directed the Director of Health and Human Services to renegotiate the contract for review and consideration at the next Board meeting.

- 6.B. Facilities Use Agreement between Sierra-Plumas Joint Unified School District (SPJUSD) and Sierra County Social Services to provide classroom space to administer required GED classes for Welfare to Work participants. (SOCIAL SERVICES) **(Consent Item 13.B.)**

Deputy County Counsel expressed concerns with the blank form contract, the Department not having this information available yet, and not being able to wait until the next meeting. Deputy County Counsel added they could do a resolution authorizing the Department to enter into the contract but we would need the maximum price and duration.

Following brief discussion, this item was tabled to later in the meeting to allow Deputy County Counsel to draft the resolution.

- 6.C. Resolution approving Amendment to Agreement 2014-123 between the Department of Health Care Services and Sierra County Behavioral Health

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for Substance Use Disorder (SUD) services for fiscal year 2014-2015 through 2016-2017. (BEHAVIORAL HEALTH) (**Consent Item 13.C.**)

The Director of Health and Human Service indicated this contract was approved last month and this amendment is only some minor language changes; this is a pro forma contract and they have been doing this contract for decades.

The Director further distributed a memo with additional information for the Board regarding the contract.

Deputy County Counsel explained he requested pulling this item as he hadn't had time to review the contract due to this being a 139 page amendment to a 200 page contract. The Board can certainly approve this, however he doesn't believe there is any legal or practical urgency to the contract.

Following brief discussion, this item was continued to the next meeting.

7. INFORMATION SYSTEMS MANAGER - Laura A. Marshall

7.A. Resolution adopting Sierra County Information Technology Policy.

Vice-Chair Huebner indicated this policy is needed for a training to be held on Thursday and suggested if there are any requested changes to the policy that they be made today.

The IS Manager provided background on the need for a policy and reviewed in detail the proposed changes to the previous electronic media and use policy to create a more comprehensive IT Policy.

Following review, Deputy County Counsel indicated there is one request that came in that hasn't been integrated yet, so we will have a future amendment to the policy.

The IS Manager also indicated this may need to be tabled as there is no resolution attached.

In response to Vice-Chair Huebner's inquiry, the Auditor expressed the need for a motion of intent at this time so he has something indicating the Board has bought into this policy.

The Clerk suggested tabling this in order to draft the resolution for adoption.

The Director of Planning requested holding the policy over as he has a number of questions and concerns which has a number of impacts on how we do business. With respect to Thursday's training he respects the Auditor's concerns, however he doesn't believe this training is any reason to rush into a policy that has some lingering questions.

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The Director continued to express concerns with the discretion of a policy falling to department managers as any change to the policy should be approved by the Board; issues with personal emails and the need to have some ability for employees who serve on volunteer fire departments, the Historical Society, Sierra County Arts Council, EMTs, etc. to be able to receive information from these nonprofits as this serves a public benefit; needing the discretion of the department manager when it comes to disclosing user names and passwords; personal use of cell phones without a qualifier that conforms to the Auditor's statement with respect to incidental use; the use of emails after normal business hours and leaving some discretion to the department managers; and with respect to the downloading software and not eliminating valuable tools such as Drop Box.

Vice-Chair Huebner indicated he believes this should be discussed between the department managers in order to work out these concerns.

The IS Manager referred to the number of discussions held regarding this policy in the past.

The Director continued to explain that he is not being critical of the Auditor or IS Manager and realizes this has been discussed for a long time, however he has also expressed these concerns a number of times and wants the opportunity to express them to the Board.

The Director also expressed concerns with respect to personal devices being subject to the Public Records Act and needing to add this in the policy.

The Auditor agreed that this statement needs to be added to the policy and is what is intended to come back. The Auditor continued to explain the need for this policy in order to go through the process of taking disciplinary action against an employee. Also, with respect to issues with passwords, they can have dual passwords so employees can access department manager's computers.

The IS Manager indicated she can bring this back to the first meeting in April and can make these refinements.

Supervisor Roen recommended changing the policy, so it is the Board's decision to make changes to the policy in the future.

Supervisor Roen also questioned if any personal device is used for business it is subject to a Public Records Act request.

Deputy County Counsel agreed that a personal device is absolutely something that can be reached through litigation.

The Board made a motion of intent to approve the proposed IT Policy with refinements based on the stated concerns, at the April 5, 2016 Board meeting.

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APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

Item 6.B. - Continued from earlier in the meeting

This item was continued to the next meeting.

11. COUNTY COUNSEL - James A. Curtis

11.A. Introduction and first reading of an Ordinance amending Sections 11.42.040.030, 11.42.040.040, 11.42.040.060 and 11.42.050.020 of the Sierra County Code and adding Section 11.42.040.035 to the Sierra County Code pertaining to governmental vehicle use policy.

The Auditor explained this change is simply to comply with the IRS code so we don't have to add the use of personal property onto the W-2 forms.

Deputy County Counsel added there were also a few clarifications added to the policy specifically with respect to peace officers and their ability to operate a vehicle consistent with state law.

The Board moved to waive the first reading of ordinance amending Sections 11.42.040.030, 11.42.040.040, 11.42.040.060 and 11.42.050.020 of the Sierra County Code and adding Section 11.42.040.035 to the Sierra County Code pertaining to governmental vehicle use policy.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

11.B. Resolution providing for reimbursement to veterans who are residents in Sierra County for out of county travel to appointments with a Veterans Service Office.

Supervisor Roen clarified this resolution was included in the motion from last meeting as the County hadn't receive information back from Plumas County. The Clerk has repeatedly contacted Plumas County in an attempt to get information. After contacting Plumas County's Chair on Friday and again this morning, he finally received an email from Plumas County's Director indicating she is going to forward the requested contracts.

Supervisor Roen requested tabling this item to the next meeting in order to reinstitute the service that has been provided along with giving the Auditor the opportunity to pay for the services provided through January 2016. Supervisor Roen also clarified that Ad Hoc Committee met with Mr. LaPlante and he was supposed to provide this information to us three weeks ago.

11.C. Amendment to Agreement No. 94-110, increasing the amount of compensation to the Public Defender's contract, due to special circumstances.

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The Auditor explained there were a couple cases this last summer that increased the Public Defender's time substantially and is not likely to happen again. The Auditor added he believes there is enough in the Public Defender's budget to cover this increase.

APPROVED, Agreement 2016-019. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

7.B. Discussion/direction regarding use of Dell KACE K1000 System Management Appliance.

The IS Manager introduced the item explaining she recently found that every general fund employee is a network administrator which is dangerous as it gives them the ability to download anything they want onto their computers. The IS Manager continued to explain there was a situation wherein an employee heard about a wonderful program and downloaded it which shut them down. This program which is called OneNote, is a cloud based service so confidential information was being uploaded to a cloud without the authority from the IS Department.

The IS Manager continued to explain the reason everyone employee is an administrator is so updates can be downloaded on every computer. The only other way to do this was to have the IS Department download the updates on each computer separately. The proposed system, Dell Kace K1000 is what will put a stop to this as it allows them to remove everyone from being a network administrator and will load permissions for the updates to push to the employees so they no longer need to be administrators. The cost is \$17,540.20 for a three year license. The IS Manager added that she will work to utilize any available trust funds. There is also additional money from phone system to cover general fund portion of the software, so there wouldn't be any general fund impact.

The IS Manager further clarified that she is requesting permission to utilize the remaining phone system funding so there is no general fund impact and the requested amount will change a bit as it is pre-taxed. The IS Manager added that her department did have a want (VK2100) which would cost an additional \$10,600 but she didn't include it as it would be nice but isn't necessity.

In response to the Director of Planning's inquiry, the IS Manager clarified the requested appliance won't have an impact to the operation at the desk.

In response to Deputy County Counsel's inquiry, the IS Manager explained this will tell her everything every employee has on their computer and if there are any unauthorized programs.

Discussion ensued pertaining to the cost savings from the VK2100 which is an additional appliance on the network that takes a picture of the setup of a computer and can restore all programs automatically in the event something happened.

The IS Manager clarified the total cost for the Dell Kace K1000 and VK2100 is \$29,007.14 for three years and there is adequate funding for both appliances.

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The Board moved to authorize the purchase the Dell Kace K1000 and VK2100, and authorized the use the remaining phone system funding and department trust funds.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

8. PUBLIC WORKS / TRANSPORTATION - Tim Beals

- 8.A. Continued discussion/direction regarding request of Sierra County Land Trust for input into a grant application to the Sierra Nevada Conservancy for ultimate development of a land management plan for the Sierra Buttes-Lakes Basin, specifically the Packer Saddle, Sardine Lake, and Volcano Lake area.

The Director of Public Works provided background on the item, noting the issue of the request by the Sierra County Land Trust for Sierra County to become the lead agency under CEQA has been resolved. The second request from the Land Trust is a request to support the project.

Supervisor Roen indicated he appreciates that CalFire is going to be the lead agency and this eliminates his concerns over the scope of the project as they will focus on fuels work.

The Board moved to approve the letter of support of the Sierra County Land Trust's grant application to the Sierra Nevada Conservancy.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

- 8.B. Letter of support for Proposition 1 Grant Application for a partnership project with the Sierra County Firesafe and Watershed Council, for fuels work to be done along the existing alignment of State Route 89 and in the Carmen Saddle, as presented by Ranger Youngblood at the meeting of February 16, 2016.

Following brief review of the project by the Director of Public Works, the Board moved to approve the letter of support for Proposition 1 Grant Application for a partnership project with the Sierra County Firesafe and Watershed Council, for fuels work to be done along the existing alignment of State Route 89 and in the Carmen Saddle, as presented by Ranger Youngblood at the meeting of February 16, 2016.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

- 8.C. Discussion/direction regarding closure of County waste disposal sites on official County holidays and on Easter Sunday, a non County holiday.

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Following a brief introduction and request by the Director of Public Works, the Board moved to authorize the Director of Public Works to close all County waste disposal sites on Easter Sunday.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

9. PLANNING / BUILDING - Tim Beals

- 9.A. Resolution amending Resolution # 2006-152 to correct the Assessor Parcel Number for the Roney project.

The Assistant Director of Planning briefly explained this resolution is not a rezone of property, rather it is just a correction to a clerical typo and making sure the correct property is rezoned.

ADOPTED, Resolution 2016-020. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

- 9.B. Introduction and first reading of an Ordinance amending Section 15.12.300.80(a) of the Sierra County Code pertaining to property in the Rural Residential-5 Acre District to correct an Assessor Parcel Number.

The Board moved to waive the first reading of an ordinance amending Section 15.12.300.80(a) of the Sierra County Code pertaining to property in the Rural Residential-5 Acre District to correct an Assessor Parcel Number.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

- 9.C. Approval/direction to Planning Department to use Security Funds held by Sierra County under an approved Financial Assurance Agreement for the Reclamation of the Cole Cash Mine located in northwestern Sierra County.

The Assistant Director of Planning clarified this is not a public hearing to decide on the status of the Cole Cash Mine or authorization to release the financial assurances authorized under SMARA as they already have direction from the Planning Commission and statutory authority. In addition to statutory authority, SMARA and County Code, once the mine has been declared abandoned, the financial assurance held for that mine can be released administratively by either the State office of Mine Reclamation, US Forest Service or the County. However, in the case of this mine there was also a security agreement, so as a formality procedurally they are bringing this back before the Board for approval under the terms of the agreement.

The Assistant Director reiterated they are only requesting the Board's authorization under the terms of agreement to release the financial assurances; they are not talking about the abandonment of the mine today.

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The Board moved to authorize the Planning Department to use Security Funds held by Sierra County under an approved Financial Assurance Agreement for the Reclamation of the Cole Cash Mine located in northwestern Sierra County.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

10. BOARD OF SUPERVISORS

10.A. Appointment to the Plumas-Sierra County Fair Board. (CLERK OF THE BOARD)

The Board moved to appoint James Griffin to the Plumas-Sierra County Fair Board.

APPROVED. Motion: Roen/Beard/Unanimous Roll Call Vote: 3/0/2 (Chair Adams and Supervisor Schlefstein ABSENT)

12. CLOSED SESSION

12.A. Closed session pursuant to Government Code Section 54956.9(d)(2) to discuss claims filed against the County by Randy Bendel.

The Board met in closed session from 11:16 a.m. to 11:18 a.m. Deputy County Counsel reported the Board considered the claim included in the packet and voted unanimously to reject the claim.

14. CORRESPONDENCE LOG

14.A. Letter from Nate Beason, Chair, Agency on Aging Area 4 (A4AA) regarding Sierra County matching contribution for fiscal year 2016-2017.

ADJOURN

At 11:18 a.m., with no further business, Chair Adams adjourned the meeting.

PETER W. HUEBNER, VICE-CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD